

AMENDED IN ASSEMBLY MARCH 13, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 124

Introduced by Assembly Member Cogdill
(Coauthors: Assembly Members Bates, Leslie, and Nakanishi)
(Coauthor: Senator Oller)

January 15, 2003

An act to amend Section 17052 of the Education Code, relating to school facilities, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 124, as amended, Cogdill. Joint-use projects.

Existing law requires the State Allocation Board to allocate state school facilities funding to applicant school districts pursuant to the Leroy F. Greene School Facilities Act of 1998, with certain exceptions, including, but not limited to, provisions which authorize the board to fund certain joint-use projects to construct libraries, multipurpose rooms, and gymnasiums, under the Leroy F. Greene State School Building Lease-Purchase Law of 1976, if certain conditions are met, including, but not limited to, the requirement that the school district has obtained the approval of the plans from the Division of the State Architect and the State Department of Education. *Existing law permits expenditure of project funds only when specifically authorized by the board, and prohibits reimbursement for expenses made prior to approval unless prescribed conditions are met, including, but not limited to, the condition that the expenditures or commitments not be for costs of project construction.*

This bill would ~~authorize the division and the department to approve the joint-use projects at any time without regard to the date upon which any project-related contract was entered into by the school district and would, notwithstanding those provisions,~~ permit the board to consider expenses *previously incurred and paid* by the school district on the project as a credit toward meeting the school district's local matching fund requirement, *if the costs were incurred and paid after January 1, 1999.*

This bill would declare that it is to take effect immediately, as an urgency statute.

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17052 of the Education Code is
2 amended to read:
3 17052. (a) Notwithstanding any other provision of law, the
4 State Allocation Board may fund joint-use projects to construct
5 libraries, multipurpose rooms, and gymnasiums, on school
6 campuses if these facilities are used jointly for both school and
7 community purposes.
8 (b) A school district may apply to the State Allocation Board
9 for funding under this section if it meets all of the following
10 requirements:
11 (1) The school does not have the type of facility for which it
12 seeks funding.
13 (2) The school district agrees to provide local matching funds
14 for 50 percent of the eligible cost of the facility as set forth in
15 subdivision (c), and 100 percent local or joint-use funding for all
16 costs that exceed that standard, as required by subdivision (d).
17 *Notwithstanding paragraph (3) of subdivision (b) of Section*
18 *17036, the board may consider expenses for eligible project costs*
19 *previously incurred and paid by the school district on the project*
20 *as a credit toward meeting the school districts local matching*
21 *funds if the costs were incurred and paid after January 1, 1999.*
22 (3) The school district obtains approval of the plans for the
23 facility from the Division of the State Architect and the State
24 Department of Education.



1 ~~(A) Approval of a joint-use project may be granted by the~~
2 ~~division and the department at any time without regard to the date~~
3 ~~upon which any project-related contract, including, but not limited~~
4 ~~to, a construction contract, was entered into by the school district.~~

5 ~~(B) The board may consider expenses previously incurred by~~
6 ~~the school district on the project as a credit toward meeting the~~
7 ~~school district's local matching funds requirement.~~

8 (4) The school district has entered into a joint-use agreement
9 with its joint-use partner that specifies the method for sharing
10 capital and operating costs, specifies relative responsibilities for
11 the operation and staffing of the facility, and specifies the manner
12 in which the safety of school pupils will be maintained during
13 school hours.

14 (5) The school district demonstrates that the facility will be
15 used to the maximum extent possible for school and community
16 purposes after regular school hours.

17 (c) The State Allocation Board shall establish standards for the
18 amount of funding to be made available for each project under this
19 section. The funding standards may be expressed as
20 per-square-foot cost limits or per-pupil cost limits or both.

21 (d) Notwithstanding any other provision of this chapter, project
22 costs may exceed the board's standards set forth in subdivision (c)
23 if the excess is paid completely by local or joint-use partnership
24 sources.

25 (e) On July 1 of each year the board shall apportion to
26 qualifying applicant school districts those funds that it determines
27 are available for the purposes of this section.

28 (f) The board may establish priority standards to govern the
29 order of funding projects. If applications exceed available
30 funding, the board shall give priority to applications where the size
31 of the project is increased by at least 30 percent beyond minimum
32 essential facilities through the use of additional funding from a
33 joint-use partner.

34 *SEC. 2. This act is an urgency statute necessary for the*
35 *immediate preservation of the public peace, health, or safety*
36 *within the meaning of Article IV of the Constitution and shall go*
37 *into immediate effect. The facts constituting the necessity are:*

- 1 *In order to permit funding of necessary joint-use facilities for*
- 2 *unhoused pupils at the earliest possible time, it is necessary that*
- 3 *this act take effect immediately.*

